

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GERNALD NIEVES,

**Answer**

Plaintiff(s),  
-against-

DOCKET NO. 12-8599

MEL S. HARRIS AND ASSOCIATES, LLC.,

Defendant(s).  
-----X

Defendant, MEL S HARRIS AND ASSOCIATES, LLC., answers  
plaintiff's complaint as follows:

1. Defendant acknowledges being sued pursuant to the Fair  
Debt Collection Practices Act, but denies any violation thereof.

2. Defendant admits the allegations contained in contained  
in paragraph "2" of the complaint.

3. Defendant denies knowledge or information sufficient to  
form a belief as to the allegations contained in paragraph "3" of  
the complaint.

4. Defendant admits that it is a debt collector as plead  
in paragraph "4" of the complaint, but denies that it is a  
collection agency.

5. Defendant admits the allegations contained in contained  
in paragraph "5" of the complaint.

6. Defendant admits the allegations contained in paragraph  
"6" of the complaint.

7. Defendant admits the allegations contained in contained in paragraph "7" of the complaint.

8. Defendant admits the allegations contained in paragraph "8" of the complaint.

9. Defendant admits the allegations contained in paragraph "9" of the complaint.

10. Defendant re-alleges all previous admissions and denials contained in paragraphs "1" through "10" of the complaint.

11. Defendant admits the allegations contained in paragraph "11" because those allegations are supported by the appropriate exhibit to the complaint. Defendant denies being informed that the obligation had been satisfied during the time period that defendant was attempting to collect the debt.

12. Defendant admits the allegations contained in paragraph "12" because those allegations are supported by the appropriate exhibit to the complaint. Defendant denies being informed that the obligation had been satisfied during the time period that defendant was attempting to collect the debt.

13. Defendant admits the allegations contained in paragraph "13" of the complaint.

14. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "14" of the complaint.

15. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "15" of the complaint.

16. Defendant admits that it served a restraining notice on Citibank, but denies having knowledge that plaintiff had previously satisfied his obligation.

17. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "17" of the complaint.

18. Defendant admits the allegations contained in paragraph 18" of the complaint.

19. Defendant admits the allegations contained in paragraph 19" of the complaint.

20. Defendant denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph "20" of the complaint.

21. Defendant admits sending an income execution to the City Marshal, but alleges that the preparation of the income execution took place before the defendant was informed that plaintiff had fulfilled his obligation.

22. Defendant denies each and every allegation contained in paragraph "22" of the complaint.

23. Defendant denies each and every allegation contained in paragraph "23" of the complaint.

24. Defendant denies each and every allegation contained in paragraph "24" of the complaint.

25. Defendant denies each and every allegation contained in paragraph "25" of the complaint.

26. Defendant denies each and every allegation contained in paragraph "26" of the complaint.

27. Defendant denies each and every allegation contained in paragraph "27" of the complaint.

28. Defendant denies each and every allegation contained in paragraph "28" of the complaint.

29. Defendant denies each and every allegation contained in paragraph "29" of the complaint.

30. Defendant denies each and every allegation contained in paragraph "30" of the complaint.

31. Defendant denies each and every allegation contained in paragraph "31" of the complaint.

32. Defendant denies each and every allegation contained in paragraph "32" of the complaint.

33. Defendant denies each and every allegation contained in paragraph "33" of the complaint.

34. Defendant denies each and every allegation contained in paragraph "34" of the complaint.

35. Defendant denies each and every allegation contained in paragraph "35" of the complaint.

36. Defendant denies each and every allegation contained in paragraph "36" of the complaint.

37. Defendant re-alleges all previous admissions and denials contained in paragraphs "1" through "37" of the complaint.

38. Defendant denies each and every allegation contained in paragraph "38" of the complaint.

39. Defendant denies each and every allegation contained in paragraph "39" of the complaint.

40. Defendant denies each and every allegation contained in paragraph "40" of the complaint.

41. Defendant denies each and every allegation contained in paragraph "41" of the complaint.

42. Defendant denies each and every allegation contained in paragraph "42" of the complaint.

43. Defendant denies each and every allegation contained in paragraph "43" of the complaint.

44. Defendant denies each and every allegation contained in paragraph "44" of the complaint.

45. Defendant denies each and every allegation contained in paragraph "45" of the complaint.

46. Defendant re-alleges all previous admissions and denials contained in paragraphs "1" through "46" of the complaint.

47. Defendant denies each and every allegation contained in paragraph "47" of the complaint.

48. Defendant denies each and every allegation contained in paragraph "48" of the complaint.

49. Defendant denies each and every allegation contained in paragraph "49" of the complaint.

50. Defendant denies each and every allegation contained in paragraph "50" of the complaint.

51. Defendant denies each and every allegation contained in paragraph "51" of the complaint.

52. Defendant denies each and every allegation contained in paragraph "52" of the complaint.

53. Defendant denies each and every allegation contained in paragraph "53" of the complaint.

54. Defendant denies each and every allegation contained in paragraph "54" of the complaint.

55. Defendant re-alleges all previous admissions and denials contained in paragraphs "1" through "55" of the complaint.

56. Defendant denies each and every allegation contained in paragraph "56" of the complaint.

57. Defendant denies each and every allegation contained in paragraph "57" of the complaint.

58. Defendant denies each and every allegation contained in paragraph "58" of the complaint.

59. Defendant denies each and every allegation contained in paragraph "59" of the complaint.

60. Defendant denies each and every allegation contained in paragraph "60" of the complaint.

61. Defendant denies each and every allegation contained in paragraph "61" of the complaint.

62. Defendant denies each and every allegation contained in paragraph "62" of the complaint.

63. Defendant denies each and every allegation contained in paragraph "63" of the complaint.

64. Defendant re-alleges all previous admissions and denials contained in paragraphs "1" through "64" of the complaint.

65. Defendant denies each and every allegation contained in paragraph "65" of the complaint.

66. Defendant denies each and every allegation contained in paragraph "66" of the complaint.

67. Defendant denies each and every allegation contained in paragraph "67" of the complaint.

68. Defendant denies each and every allegation contained in paragraph "68" of the complaint.

69. Defendant denies each and every allegation contained in paragraph "59" of the complaint.

70. Defendant denies each and every allegation contained in paragraph "70" of the complaint.

71. Defendant denies each and every allegation contained in paragraph "71" of the complaint.

72. Defendant denies each and every allegation contained in paragraph "72" of the complaint.

73. Defendant re-alleges all previous admissions and denials contained in paragraphs "1" through "73" of the complaint.

74. Defendant denies each and every allegation contained in paragraph "74" of the complaint.

75. Defendant denies each and every allegation contained in paragraph "75" of the complaint.

76. Defendant denies each and every allegation contained in paragraph "76" of the complaint.

77. Defendant denies each and every allegation contained in paragraph "77" of the complaint.

78. Defendant denies each and every allegation contained in paragraph "78" of the complaint.

79. Defendant denies each and every allegation contained in paragraph "79" of the complaint.

80. Defendant denies each and every allegation contained in paragraph "80" of the complaint.

81. Defendant denies each and every allegation contained in paragraph "81" of the complaint.

82. Defendant re-alleges all previous admissions and denials contained in paragraphs "1" through "82" of the complaint.

83. Defendant denies each and every allegation contained in paragraph "83" of the complaint.



84. Defendant denies each and every allegation contained in paragraph "84" of the complaint.

85. Defendant denies each and every allegation contained in paragraph "85" of the complaint.

86. Defendant denies each and every allegation contained in paragraph "86" of the complaint.

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90. Defendant denies each and every allegation contained in paragraph "90" of the complaint.

91. Defendant denies each and every allegation contained in paragraph "91" of the complaint.

92. Defendant denies each and every allegation contained in paragraph "92" of the complaint.

93. Defendant denies each and every allegation contained in paragraph "93" of the complaint.

94. Defendant denies each and every allegation contained in paragraph "94" of the complaint.

95. Defendant denies each and every allegation contained in paragraph "95" of the complaint.

96. Defendant denies each and every allegation contained in paragraph "96" of the complaint.

97. Defendant denies each and every allegation contained in paragraph "97" of the complaint.

98. Defendant denies each and every allegation contained in paragraph "98" of the complaint.

99. Defendant re-alleges all previous admissions and denials contained in paragraphs "1" through "99" of the complaint.

100. Defendant denies each and every allegation contained in paragraph "100" of the complaint.

101. Defendant denies each and every allegation contained in paragraph "101" of the complaint.

102. Defendant denies each and every allegation contained in paragraph "102" of the complaint.

103. Defendant denies each and every allegation contained in paragraph "103" of the complaint.

104. Defendant denies each and every allegation contained in paragraph "104" of the complaint.

105. Defendant denies each and every allegation contained in paragraph "105" of the complaint.

106. Defendant denies each and every allegation contained in paragraph "106" of the complaint.

107. Defendant re-alleges all previous admissions and denials contained in paragraphs "1" through "107" of the complaint.

108. Defendant denies each and every allegation contained in paragraph "108" of the complaint.

109. Defendant denies each and every allegation contained in paragraph "109" of the complaint.

110. Defendant denies each and every allegation contained in paragraph "110" of the complaint.

111. Defendant denies each and every allegation contained in paragraph "111" of the complaint.

112. Defendant denies each and every allegation contained in paragraph "112" of the complaint.

113. Defendant denies each and every allegation contained in paragraph "113" of the complaint.

114. Defendant denies each and every allegation contained in paragraph "114" of the complaint.

115. Defendant denies each and every allegation contained in paragraph "115" of the complaint.

116. Defendant denies each and every allegation contained in paragraph "116" of the complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

117. Defendant asserts the bona fide error defense set forth in 15 U.S.C. § 1692k(c).

WHEREFORE, the defendant respectfully requests that plaintiff's complaint be dismissed.

Dated: New York, NY  
December 17, 2012



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